

No. 506. 1896.

Motion Papers for Appellee.

Filed Nov. 2, 1896.

Office Supreme Court, U. S.
FILED.
JAMES H. MCKENNEY,
CLERK.

Supreme Court of the United States.

THE UNITED STATES,
Appellant,
vs.
DIXON N. GARLINGER,
Appellee. } No. 506.

Comes now the appellee, and moves the Court to advance the above-entitled cause, and set it down for oral argument at an early date, for the following reasons:

1. The question of law involved in the case is one of very great importance to the officials of the Treasury Department, because it involves the right of night inspectors in the Customs Service to receive compensation for overtime services rendered by them, and the liability of the United States to pay them therefor.

2. Many cases of like character, originating in the City of Baltimore, are now pending in the Court of Claims, and will be governed by the decision of this Court. The speedy decision of this case will terminate the litigation in the cases now pending in the Court of Claims, or at least render their prosecution and defense less expensive to the claimants and to the United States if such cases are to proceed to final judgment.



3. The rules and regulations of the Treasury Department, relating to the pay of night inspectors, are observed in the principal ports of the United States, except in Baltimore. The above suit was brought on account of the discrimination against the night inspectors of Baltimore by the officials of the Treasury Department. If the judgment of the Court of Claims should be affirmed by this Court, then such discrimination will cease, and the rules and regulations of the Treasury Department, in respect to the services of night inspectors, will be enforced, doubtless, at the port of Baltimore as at other ports, thus doing justice to such inspectors and avoiding a multiplicity of suits which, there is every reason to believe, will otherwise be brought against the United States by such inspectors.

W. W. DUDLEY,

L. T. MICHENER,

F. P. DEWEES,

Att'ys for Appellee.

DISTRICT OF COLUMBIA, ss :

LOUIS T. MICHENER, one of the attorneys for the appellee in the above-entitled cause, being by me first duly sworn according to law, deposes and says that the statements of fact in the foregoing petition are true, as he is informed and verily believes.

LOUIS T. MICHENER.

Subscribed and sworn to before me this 24th day of October, A. D., 1896.

L. P. SQUIER,

Notary Public.

[SEAL.]